

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

January 25, 1994

In Reply Refer to:
7320-01

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BY FAX

Kenneth E. Hardman, Esq.
1255 23rd St., N.W.
Suite 830
Washington, D.C. 20037-1170

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: In re Capitol Radiotelephone, Inc., et al.,
PR Docket No. 93-231

Dear Mr. Hardman:

Please be advised that the Private Radio Bureau (PRB) requests that the following persons be produced for cross-examination at the hearing in the above-referenced proceeding, scheduled to begin on February 1, 1994.

J. Michael Raymond - Mr. Raymond is or was Vice President and Chief Operating Officer of Capitol Radiotelephone Company, Inc. d/b/a Capitol Paging (Capitol). He is the sponsoring witness of Capitol's proposed Exhibits CAP- 01, 11, and 12. Additionally, he responded to Commission correspondence regarding the issues in this proceeding by letter dated June 17, 1992, and he executed a declaration which addressed those issues on September 29, 1992. He was present during the inspection of Capitol by Commission engineers in August 1991.

Russell Harrison - Mr. Harrison is or was the manager of Capitol's common carrier and private paging systems in Huntington, West Virginia. He is the sponsoring witness of Capitol's proposed Exhibit CAP-22, which consists of a statement dated January 18, 1994, in addition to a September 29, 1992, declaration addressing the issues in this proceeding. He was present during the inspection of Capitol by Commission engineers in August 1991.

Dan Stone - Information available to the Commission indicates that Mr. Stone is or was President and/or owner of Capitol. Mr. Stone was present during the inspection of Capitol by Commission engineers in August 1991.

Bob Wilson - Information available to the Commission indicates that Mr. Wilson is or was Capitol's office manager. He was present during the inspection of Capitol by Commission engineers in August 1991.

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Calvin R. Basham - Mr. Basham is a sponsoring witness of Capitol's proposed Exhibit CAP-12. Additionally, he loaned Capitol the base station transmitters Capitol used for its Private Carrier Paging (PCP) station WNSX-646 at which the alleged violations at issue in this proceeding occurred.

Billy C. McCallister - Mr. McCallister is the sponsoring witness of Capitol's proposed Exhibit CAP-21.

Arthur K. Peters, P.E. - Mr. Peters is the sponsoring witness of Capitol's proposed Exhibit CAP-23.

Capitol's proposed Exhibits CAP- 02 - 10 and 18 relate to various pleadings filed by RAM Technologies, Inc. (RAM) and correspondence by or concerning RAM filed with the National Association of Business and Educational Radio (NABER). These exhibits are of questionable relevance to the issues in this proceeding, which concern alleged operating violations by Capitol. If these exhibits are nonetheless offered and received into evidence, the Bureau hereby notifies you of its need to cross-examine those persons who made declarations or were named in declarations supporting the various pleadings. These include: Sgt. Wendell Adkins, Carolyn B. Frye, Andrea Jane Dean, Douglas Thomas, Lloyd Graham, Jo Ann Davis, Bill Bangs, Debbie Paugh, Jim McClure, Jack Donahue, Mary Reams-Bailey, Terry Spears, and William Tooley.

We note that Capitol's direct case proposes oral testimony of Carol Fox Foelak concerning a meeting on April 4, 1991, between FCC employees and representatives of RAM Technologies, Inc., and concerning a July 19, 1991, memo signed by Ms. Foelak. We intend to resist producing Ms. Foelak as a witness. She has no personal knowledge of any facts related to the issues in this case. Additionally, PRB has no knowledge of an April 4 meeting. Finally, as we indicated in our letter accompanying our proposed exhibits, we intend to question several present or former employees of RAM, whom RAM has agreed to produce.

Sincerely,



Carol Fox Foelak
Y. Paulette Laden
Attorneys, Private Radio Bureau

cc: Administrative Law Judge Joseph Chachkin
Frederick M. Joyce, Esq.
T.D. Kauffelt, Esq.